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20 WALTER BRADLEY, on behalf of  
21 himself and all others similarly situated,

22 Plaintiffs,

23 v.

24 DISCOVER FINANCIAL SERVICES,

25 Defendant.

Case No. 4:11-cv-5746-YGR

**STIPULATION AND [PROPOSED]  
ORDER REGARDING DEFENDANT'S  
MOTION TO COMPEL ARBITRATION  
AND STAY ACTION**

Judge: Hon. Yvonne Gonzales Rogers

1 Plaintiff Walter Bradley and Defendant Discover Financial Services, through their  
2 undersigned counsel, hereby stipulate as follows:

3 WHEREAS, pursuant to Stipulation and Order so that the parties could attend mediation  
4 before the Honorable Carl West (Ret.) of JAMS, the hearing on Defendant's Motion to Compel  
5 Arbitration and Stay Action (Dkt. No. 13) is currently set for September 25 at 2:00 p.m.;

6 WHEREAS, the parties had constructive sessions on May 31, 2012, and July 10, 2012,  
7 and follow-up teleconferences with Judge West on July 24, 2012, and August 6, 2012, but were  
8 not able to finally resolve the matter;

9 WHEREAS, the parties have scheduled a mediation with Judge West for September 27,  
10 2012 to continue discussions;

11 WHEREAS, by its Order dated August 10, 2012 (the "Order"), Court ordered: "The  
12 Court will entertain a stipulation of the parties to withdraw the pending Motion to Compel  
13 Arbitration and Stay Action, but will permit Defendant to re-notice the hearing (if settlement is  
14 not reached) on a shorter timeframe than provided in the Local Rules. If such stipulation to  
15 withdraw is reached, the Court will allow Defendant to re-notice the hearing with twenty-one (21)  
16 days notice prior to the hearing date . . . If the parties reach a stipulation regarding withdrawal of  
17 the pending motion, the Case Management Conference will be taken off calendar;" (Dkt. No.  
18 49.) and

19 WHEREAS, pursuant to the Order, the parties seek to withdraw, without prejudice,  
20 Defendant's Motion to Compel Arbitration and Stay Action (Dkt. No. 13), so that they may  
21 devote the limited time between now and the September 27 mediation to matters that will advance  
22 the parties' ability to engage in meaningful settlement negotiations.

23 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between Plaintiff  
24 Bradley, by his undersigned counsel, and Defendant, by its undersigned counsel, that the hearing  
25 on Defendant's Motion to Compel Arbitration and Stay Action (Dkt. No. 13) shall be withdrawn  
26 without prejudice. If settlement is not reached, Defendant may re-notice the hearing on its  
27 Motion to Compel Arbitration and Stay Action with twenty-one (21) days notice prior to the  
28 hearing date.

1 IT IS SO STIPULATED.

2 Dated: August 15, 2012

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1 Dated: August 15, 2012

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## **[PROPOSED] ORDER**

Pursuant to the above Stipulation, **IT IS SO ORDERED.** Defendant's Motion to Compel Arbitration and Stay Action is withdrawn without prejudice. This Order terminates Dkt. Nos. 13 & 50. The hearing on September 25, 2012 is hereby **VACATED**.

Dated: August 16, 2012

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE